
NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

Non-profit Public Advocacy

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Comments on the:
Disposal Subcommittee
Report to the Full Commission Draft

The first recommendation in this report is that the U. S. should *expeditiously* develop one or more repositories. The Nevada Nuclear Waste Task Force (Task Force) strongly disagrees with this statement because we do not think that a national policy or multi-generational program can or should be hurried. Setting protective standards and conducting a national public dialogue is not a quick process and the decisions to be made must not be addressed in an atmosphere of urgency. We believe that two affordable (in terms of money and time) steps should be taken first. All waste over five years out of reactor should be moved to hardened on-site storage (HOSS) and Congress should pass a “take title” bill that would have the Department of Energy hold the title to the fuel in the HOSS facility. This would greatly increase the safety of the waste and it would address the problem of the growing government price to be paid for missing contract deadlines to take possession of waste.

Having a HOSS requirement in the “take title” law would also result in safe storage facilities being built by, and casks supplied by, DOE which saves the utility money. In addition it eliminates the false sense of urgency that you describe in the first recommendation in reference to Japan. Japan’s recent nuclear disaster has **not** “...cast a harsh light on our collective failure (over more than 40 years) to come to grips with the nuclear waste problem.” Japan does not have permanent disposal capability but they do have one or more dry cask storage facilities that survived the earthquake and tsunami and protected the stored waste. The international public has gained a heightened awareness of risks since the Japanese emergency – **not** of the lack of or need for a repository but of the *risks of waste production and pool storage of waste.*

You cite the experience of Finland and Sweden and their nuclear waste repository programs. Those are interesting case studies and should be examined and analyzed for useful lessons that the U.S. can take from their example.

It is true that deep geologic disposal is widely considered to be the most acceptable option for permanent high-level nuclear waste disposal but not all agree that it should be attempted now. There is currently no active repository program in the U.S. but not for the reasons you state. What is lacking is public trust and confidence. There can be no public

confidence when the federal government and commercial nuclear industry have given no clear definition of the problem that is to be solved. Before the public interest community can begin to consider support for a repository program, questions such as: What problem is the waste presenting where it is and would that problem be solved, stay the same or just become a different problem by moving the waste to some other location? To some people it is important to know that by cooperating with a decision to locate a repository nearby, they would be playing a role in a program to finally get nuclear waste isolated from the environment and they would not want new waste generated. Originally the Swedish decision was made with this type of understanding.

Others may believe that nuclear power is important and that waste generation is a necessary part of making electricity and they are willing to host a repository that will hold the current and future waste. Such is the case now in Finland. In all cases there will need to be clearly understandable steps in a process that residents, their representatives and independent experts can afford to participate in and have meaningful input into decision making. That would include assurance that the ground rules would not change and their State could opt out of the project at any time until the program reached an advanced stage.

The Task Force does not take a position for or against a new entity for U.S. high-level nuclear waste disposal. We have thought that it was a government task since the materials are highly dangerous for very long time periods and can be used to produce nuclear weapons. Once again we believe that a sense of urgency or need for expeditious action must be eliminated before a careful and deliberate process begins to determine what will be needed in a new entity if or when one is developed. Our initial recommendation would be that a new waste management organization should be completely unrelated to waste production (the commercial nuclear industry and/or DOE). Its top priority and responsibility would be public health and safety and environmental protection. We agree with the subcommittee's view that the new entity should *not* have anything to do with decisions regarding, or facilities for, reprocessing. The goal would be public safety, not the advancement of nuclear technology or support for nuclear development.

Any new program for the management, storage, or disposal of irradiated nuclear fuel and high-level nuclear waste must have rigorous, assiduous oversight. The subcommittee recommends that the Nuclear Waste Technical Review Board (TRB) fill this role. We disagree. The current TRB is perhaps appropriately suited to oversee research and development programs such as those now being carried out by DOE and others, but a new waste management/disposal project should not be a "learn as you go" undertaking.

The host entity must have the ability to decide what sort of oversight and review board or commission will provide the expert technical evaluation they need. Any state and community consenting to host a facility has to know what is being done, how it is to be done and what standards it will meet. The oversight group must have members with a mix of expertise that will see that agreements are being met, the project is what the people agreed to, and that the community and state are fully included.

We agree with the subcommittee recommendation regarding reviews and sharing of information with international agencies – the International Atomic Energy Agency and others. It is valuable to all to have the benefit of experience gained from every program.

The U.S. is in a situation today resulting from actions taken in a rush to find a disposal solution for nuclear waste. In the early 1980s it was claimed that reactors would have to be shut down when enough waste was produced to fill the pools. Dry casks were designed and built so the threat of shutdown was eliminated. More recently the commercial nuclear industry began to realize that waste stored at reactor sites was providing an argument being used by opponents of new reactors at those sites. However if waste is moved, we believe that there will still be considerable resistance to new plants.

The Commission has correctly decided that any site for waste storage, management or disposal would need to be a willing host. We believe that the definition of what a “volunteer” is or what process is followed for “consent” is not yet known and will have to be publicly decided. It will be important to understand that a program should not be called “successful” simply because a site was won over, but because a publicly acceptable policy was developed and followed, whether or not a state or Native American tribe consented to a facility.

Our obligation to future generations is to avoid any action that could create harm. We owe those who will inherit the waste that has been created our best efforts toward containment and storage that is as safe as possible, allowing them to continue with research into better isolation methods for final disposal. Lacking assurance of long term safety of a waste disposal facility, it is far better to leave the waste in safe storage while a deliberate, staged process is proceeding in an adaptive way and preserving full reversibility.

Submitted by,

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